

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Alyssa Rogowski	Team: Squad #7	CCRB Case #: 201801731	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 02/21/2018 1:00 PM	Location of Incident: 1356 White Plains Road	Precinct: 43	18 Mo. SOL 8/21/2019	EO SOL 8/21/2019	
Date/Time CV Reported Fri, 02/23/2018 7:33 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 03/02/2018 11:06 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Donald Hook	24812	920400	043 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jovani Tineo	17434	959301	043 PCT
2. POM Pedro Cruz	25466	953792	043 PCT
3. SGT April McLaine	01010	948027	043 PCT
4. POF Joanny Contreraslantigua	18280	958426	043 PCT
5. POF Brinet Rosario	21422	959952	043 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Donald Hook	Abuse: Police Officer Donald Hook threatened to arrest § 87(2)(b)	
B.POM Donald Hook	Abuse: Police Officer Donald Hook threatened to notify Administration for Children's Services.	

### Case Summary

On February 23, 2018 at 7:33pm, § 87(2)(b) filed the following complaint with IAB via telephone.

On February 21, 2018 at approximately 1:30pm, § 87(2)(b) went to Sunny Nails Salon located at 1356 White Plains Road in the Bronx with her § 87(2)(b)-old daughter, § 87(2)(b) and her § 87(2)(b)-old son. An argument and physical altercation occurred between § 87(2)(b) and several employees of the nail salon. § 87(2)(b) called 911 and officers arrived. Police Officer Donald Hook of the 43<sup>rd</sup> precinct allegedly threatened to arrest § 87(2)(b) (**Allegation A: Threat of Arrest**, § 87(2)(g)) and subsequently threatened to notify ACS to take her children (**Allegation B: Threat to notify ACS**, § 87(2)(g)). § 87(2)(b) refused to pay and was arrested for § 87(2)(a) 160.50.

No video evidence captures this interaction with PO Hook and the other officers.

### Findings and Recommendations

#### **Allegation (A) Abuse of Authority: Police Officer Donald Hook threatened to arrest § 87(2)(b)**

§ 87(2)(b) provided a phone statement and an in-person sworn statement to the CCRB (Board Review 01 and 02).

In her in-person statement § 87(2)(b) recounted that after she and her daughter, § 87(2)(b) got their nails done, she argued with a female salon employee over the price. § 87(2)(b) and § 87(2)(b) left the salon to get money from a nearby ATM. The male salon owner followed them and while outside, snatched § 87(2)(b)'s phone out of her hand and ran back towards the salon with the phone. A physical altercation ensued between salon employees and § 87(2)(b). § 87(2)(b) called 911 and waited for officers outside the salon with her young son in a stroller and § 87(2)(b).

When officers arrived, § 87(2)(b) told the officers, identified through the investigation as Police Officer Joanny Contrerasantigua and Police Officer Brinet Rosario both of the 43<sup>rd</sup> precinct, that the male store owner had taken her cell phone. The officers retrieved her phone then went back inside the salon to review the surveillance footage. A second marked RMP arrived with Police Officer Donald Hook and Police Officer Jovani Tineo, both of the 43<sup>rd</sup> precinct. § 87(2)(b) told PO Hook what had happened and he went inside the nail salon to review the surveillance footage with the first two officers.

A few minutes later, PO Hook exited the nail salon and told § 87(2)(b) to pay. § 87(2)(b) told him that she would pay but that she wanted to file a complaint against the nail salon employees for attacking § 87(2)(b). PO Hook told her that § 87(2)(b) had also attacked the salon employees and explained that they would not file a complaint report for her because they had reviewed the footage and § 87(2)(b) had walked out of the store without paying. When she replied that she still wanted to file a report, PO Hook stated, "If you make this report I'm going to arrest you." A few minutes later, PO Hook again asked § 87(2)(b) what she wanted to do. When she replied that she still wanted to file a report, PO Hook handcuffed her and put her in one of the RMPs.

§ 87(2)(b) recounted that after the officers reviewed the surveillance footage inside the salon, PO Hook approached § 87(2)(b) and told § 87(2)(b) that she had two options, either to pay and never come back to Sunny Nails or another option. § 87(2)(b) did not recall (Board Review 03). § 87(2)(b) later changed her statement and said that PO Hook

actually told § 87(2)(b) that she would not win the case if she pressed charges. § 87(2)(b) told PO Hook that she was going to pay, but that she wanted to file a report and sue the nail salon for hitting § 87(2)(b) and that she was going to call IAB, which § 87(2)(b) thought was the reason that PO Hook ultimately arrested § 87(2)(b). PO Hook became aggressive and when § 87(2)(b) said she still wanted to press charges, PO Hook told her to put her hands behind her back and handcuffed her. PO Hook told her that she was being arrested because she had refused to do what he told her to do.

PO Hook recounted that he and his partner, PO Tineo, were conducting patrol in their sector when they observed two female uniformed officers, PO Contreraslantigua and PO Rosario, engaged in a dispute with several civilians in front of Sunny Nail Salon (Board Review 04). PO Contreraslantigua and PO Rosario informed PO Hook that § 87(2)(b) and her § 87(2)(b)-old daughter had gotten their nails done earlier but walked out without paying and had gotten into an altercation with the salon employees outside. PO Hook spoke with § 87(2)(b) who was visibly upset and who stated that the owner had put hands on § 87(2)(b) and she wanted him locked up for assault.

Sgt. McClaine and PO Cruz arrived on scene and all the officers went inside the nail salon to watch the security video. The video did show the owner and female employee attempting to stop § 87(2)(b) from leaving but that it did not rise to the level of physicality described by § 87(2)(b). The officers decided the store owner was not going to be arrested for grand larceny for taking § 87(2)(b)'s phone but they did admonish the owner for his behavior.

PO Hook gave § 87(2)(b) several chances to just pay the outstanding bill to the salon but she refused to pay because she claimed the female employee assaulted her daughter and she wanted the employee locked up. PO Hook asked § 87(2)(b) numerous times if she was hurt and as she stated that she was not and the video did not support § 87(2)(b)'s allegations, no additional arrest was made. PO Hook tried to reason with § 87(2)(b) but she still refused to pay so he arrested her. PO Hook denied that he or any other officer told § 87(2)(b) she would be arrested if she filed a UF61. PO Hook stated that her complaint against the salon employees, whether a report was made or not, had nothing to do with her being arrested for theft of services. PO Hook recalled that after viewing the surveillance video at the salon, there was not enough evidence to arrest the salon employees or take a UF61 against them. When § 87(2)(b)'s sister § 87(2)(b) § 87(2)(b) arrived, PO Hook told her that § 87(2)(b) was going to be arrested for theft of service but that he would release her if someone paid the bill. § 87(2)(b) § 87(2)(b) also refused to pay.

§ 87(2)(g)

**Allegation (B) Abuse of Authority: Police Officer Donald Hook threatened to notify Administration for Children's Services.**

§ 87(2)(b) recounted that after PO Hook handcuffed her, he told § 87(2)(b) that § 87(2)(b) and her son would be taken by ACS. § 87(2)(b) replied that they would not be taken by ACS because her sister, § 87(2)(b) § 87(2)(b) was coming to pick them up. PO Hook spoke with § 87(2)(b) § 87(2)(b) and the children left with her.

§ 87(2)(b) recounted that after handcuffing § 87(2)(b) PO Hook told § 87(2)(b) that he was going let ACS know about what had happened at the salon, and that ACS was going to take § 87(2)(b) and her younger brother away. § 87(2)(b) protested that her sister, § 87(2)(b) § 87(2)(b) was coming to pick up § 87(2)(b) and her younger brother. PO Hook told § 87(2)(b) § 87(2)(b) that § 87(2)(b) § 87(2)(b) could not pick the children up. § 87(2)(b) § 87(2)(b) arrived about five minutes later and spoke with PO Hook. The officers then got in their vehicles and transported § 87(2)(b) to the 43<sup>rd</sup> Precinct, leaving § 87(2)(b) and her brother with § 87(2)(b) § 87(2)(b).

PO Hook recounted that he told § 87(2)(b) that if she was arrested, he could not let § 87(2)(b) take the § 87(2)(b)-old because that would be releasing a child to another child and that they would all have to come to the 43<sup>rd</sup> stationhouse. If he was then unable to get in touch with any family members to pick up the children, he would have to contact ACS. PO Hook denied that he ever threatened to call ACS to gain compliance from § 87(2)(b). When § 87(2)(b) § 87(2)(b) arrived, PO Hook obtained permission from § 87(2)(b) to release her children to § 87(2)(b) § 87(2)(b) and allowed § 87(2)(b) § 87(2)(b) to take the children while the officers took § 87(2)(b) § 87(2)(b) back to the stationhouse.

NYPD Patrol Guide Procedure 215-01 outlines the procedure “to obtain care for a dependent child under eighteen due to arrest, hospitalization, or death of a parent or guardian.” This procedure states that “When a dependent child is reported: 1. Inquire if a relative or friend will care for the dependent child. 2. Notify desk officer if care cannot be provided 3. Process the child as “Child Requiring Shelter.” 4. Prepare Aided Report.” The desk officer will then “notify the Administration for Children’s Services (ACS).” (Board Review 05)

§ 87(2)(g)

§ 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- § 87(2)(b) has been party to 1 prior CCRB complaint § 87(2)(b)
- PO Donald Hook has been a member-of-service for 20 years and has been a subject in 22 CCRB complaints and 56 allegations, of which 5 were substantiated.:
  - 200506095 involved a substantiated question and stop allegation against PO Hook. The Board recommended Command Discipline and the NYPD imposed Instructions.
  - 200512847 involved a substantiated vehicle search allegation against PO Hook. The Board recommended Charges and the NYPD imposed Command Discipline A.

- 201500486 involved a substantiated refusal to provide name and shield allegation against PO Hook. The Board recommended Command Discipline A and the NYPD imposed Command Level Instructions.
- 201501548 involved a substantiated premise entered and searched allegation and a substantiated refusal to provide name and shield number. The Board recommended Charges for both and APU trial found him not guilty with no penalty imposed.

**Mediation, Civil and Criminal Histories**

- This case was not suitable for mediation.
- As of July 30, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 07).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Squad No.: \_\_\_\_\_

Investigator:	_____ Signature	_____ Print Title & Name	_____ Date
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Squad Leader:	_____ Signature	_____ Print Title & Name	_____ Date
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Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date
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